



AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 6, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-27424 - APPLICANT: CRICKET COMMUNICATIONS -
OWNER: NEVADA POWER COMPANY**

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Wireless Communications Facility, Non-Stealth Design use.
2. Conformance to the conditions of Site Development Plan Review (SDR-24238) if approved.
3. This approval shall be void one year from the date of final approval or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. The communications monopole and its associated equipment and facility shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the communications monopole and its associated equipment and facility.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This request is for a Special Use Permit to allow a co-location of antennas and a 10-foot extension to an existing 60-foot tall Wireless Communications Facility, Non-Stealth Design on 4.16 acres at 600 North Eastern Avenue. The applicant is proposing to install three (3) antennas to be flush mounted on a 10-foot pole extension to match the existing structure. The supporting equipment consisting of two (2) self-contained Base Transceiver Station (BTS) cabinets, one (1) electric meter panel, and one (1) telephone interface are to be located with the existing screened area. The increased height to 70-feet and the addition of these items to the existing monopole will not extend the existing compound.

The proposed co-location of the antennas and 10-foot extension was the subject of an administrative Site Development Plan Review (SDR-26527), which was denied on February 19, 2008. The denial was based on a decision that the application could not be determined administratively since the “design and location of the proposed facility must be deemed by the Director to be compatible with the surrounding area,” per Title 19.04.040; therefore, the applicant must apply for a Special Use Permit prior to the submittal of building permits. However, this proposed facility is a conforming use of an existing structure, therefore staff recommends approval.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
02/26/04	The Planning & Development Department approved an Administrative Site Development Plan Review (SDR-19799) to allow a 60-foot Wireless Communication Facility, Non-Stealth with one co-location site, and a barbed wire and chain link fence to surround the enclosure at 600 North Eastern Avenue.
09/27/07	The Planning & Development Department approved an Administrative Site Development Plan Review (SDR-24238) to allow a co-location of six antennas to an existing 60-foot tall Wireless Communications Facility, Non-Stealth.
02/19/08	The Planning & Development Department denied a request for an Administrative Site Development Plan Review (SDR-26527) to allow the co-location of antennas and a 10-foot extension on the existing Wireless Communications Tower, Non-Stealth.

<i>Related Building Permits/Business Licenses</i>	
09/09/04	Building permit (#04019671) was issued to allow construction of a cell tower site. The permit was finalized on 12/16/04.
03/24/99	Building permit (#99005710) was issued to allow for the construction of a 773-foot long, 10-foot high masonry wall. The permit was finalized 5/20/99.
<i>Pre-Application Meeting</i>	
03/19/08	Staff met with the applicant to discuss the requirements of this project. This request was noted as administratively denied on 2/19/08, and therefore required a Special Use Permit. The requirements and documentation for submittal of an application for the SUP were explained to the applicant.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

<i>Field Check</i>	
06/06/08	A field check was performed on the existing wireless communication facility, non-stealth design. The area within the fenced area surrounding the cell tower is free of graffiti, trash, and appears well maintained. West of the fenced area within the Nevada Power Substation is a pile-up of trash.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	4.16

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Nevada Power Company Substation	PF (Public Facility)	C-V (Civic)
North	Shops/Market	SC (Service Commercial)	C-2 (General Commercial)
	Senior Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)
South	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
East	Vacant	SC (Service Commercial)	R-E (Residence Estates)
West	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
C-V (Civic) District	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

- **Use**

The applicant has proposed a 10-foot extension to the existing 60-foot high wireless communication monopole at 600 North Eastern Avenue. The existing 60-foot monopole and its supporting facility are located within a Nevada Power substation, which is located in front of shopping stores and senior apartments. Across the street to the south and adjacent to the west are commercial facilities. The closest single-family residential parcels are approximately 263 feet to the northwest; therefore, residential adjacency standards are not applicable per Title 19.08.060 and not addressed in this report. Staff finds the proposed 10-foot extension and co-location of antennas to the existing monopole appropriate for this site and therefore recommends approval.

- **MINIMUM SPECIAL ISE PERMIT REQUIREMENTS**

Wireless Communication Facility, Non-Stealth Design:

- *1. No residential use may exist on the property.
- *2. Any antenna tower that forms part of the facility shall conform to both the setback requirements of the zoning district and the separation requirements of section 19.08.060
- *3. Except in the C-V Zoning District, no antenna tower that forms part of the facility may be located within 600 feet of:
 - a. Any other antenna tower that forms part of a wireless communication facility; or
 - b. Any pole or tower structure of any type that has a height of at least 60 feet.

- *4. Antenna tower and associated components shall be initially painted and therefore repainted with flat paint, using a color that is approved by the City Council. Except as otherwise required by the Federal Communications Commission or the Federal Aviation Administration, the color of any antenna tower must generally match the surrounding or background so as to minimize its visibility.
- *5. Failure to perform necessary maintenance and repainting shall be grounds for administrative and other enforcement action, including action pursuant to Requirement 9 below.
- *6. Any proposed antenna tower must be designed to accommodate at least two (2) communication providers or in the case of a tower that exceeds 80 feet in height, at least three (3) communications providers.
- *7. No signals, lights, or other attention gaining devices are permitted on any antenna tower or antenna unless required by the Federal Communications Commission or Federal Aviation Administration; provided, however, that this condition shall not be construed to prevent the mounting of an antenna on a signal, light, or sign that has been legally permitted and installed.
- *8. All ground equipment, building, and base of any antenna tower must be screened so as to not be visible from streets and residences, with appropriate landscaping designed to ensure compatibility with surrounding uses.
- *9. Any abandoned or unused antenna tower and the associated components of any facility shall be removed within six (6) months after operations at the site cease. In the event that removal is not timely performed, the City may remove, or cause the removal of the antenna tower and associated components, and assess the costs of removal against the property. Before taking such action, the City must deliver or mail to the property owner a notice of the City's intent to do so. The property owner shall have 30 days from the date the notice is delivered or mailed to request a hearing. The failure to request a hearing shall be deemed a waiver of the right to be heard, and the City may immediately cause the removal of the antenna tower and any associated components, and may assess the costs against the property.

Per Title 19.04.050, it shall not be permissible to waive any Special Use Permit requirement that is listed in Table 2 with an asterisk ().

- **SITE PLAN AND RESIDENTIAL ADJACENCY**

The existing monopole and its facility are adjacent to and centered along the southern edge of the rectangle shaped subject property. The monopole sits within the center of an existing walled and gated facility. The height of the existing monopole will increase to 70 feet and the only changes to the ground layout of the subject facility will be the addition of the radio cabinets at the base of the monopole, which will take place within the walled enclosure.

The existing monopole facility immediately abuts senior apartments and commercial property to the north. To the west and south is commercial property. To the east is a vacant 0.79-acre property zoned R-E (Residence Estates), with a General Plan designation of SC (Service Commercial). The closest single-family residential lots are approximately 263 feet to the northwest. The Residential Adjacency Setback Standards of Title 19.08.060 are not applicable as this is an existing structure. Staff recommends approval of this request.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed 10-foot extension and addition of three (3) antennas to the existing 60-foot tall wireless communication facility will not greatly alter the appearance of this monopole or the surrounding areas. Therefore, the proposed land use for the Wireless Communication Facility, Non-Stealth Design will be both harmonious and compatible with existing and future surrounding land uses.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The site is physically suitable to accommodate additional antenna arrays. The additional 10 feet in height will allow co-location of antennas.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The proposed 10-foot extension and co-location of antennas to the existing wireless communication monopole will not generate additional traffic to and from this site at 600 North Eastern Avenue and therefore will not affect the surrounding roadways.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The welfare of the general public will not be compromised by the approval of this proposal to increase the height by 10-feet and add three (3) antennas to an existing monopole as the site will be subject to inspections, etc. The use is compatible with the C-V (Civic) zoning district and PF (Public Facility) General Plan designation.

5. **The use meets all of the applicable conditions per Title 19.04.**

The proposed 10-foot addition in height along with the additional antenna arrays meets the minimum requirements for a Wireless Communication Facility, Non-Stealth Design.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 28

SENATE DISTRICT 2

NOTICES MAILED 179 by City Clerk

APPROVALS 0

PROTESTS 0